

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HOWARD MOSKOWITZ,
 Plaintiff,

vs.

BEARCOM GROUP, et al.,
 Defendants.

Case No. 2:15-cv-02195-RFB-VCF
 ORDER

On April 7, 2016, the parties came to a settlement agreement at the Early Neutral Evaluation ("ENE") in the instant matter. Docket No. 20. The Court ordered the parties to file a stipulation of dismissal, no later than May 5, 2016. *Id.* The Court further stated that, "If the parties have any difficulties meeting that May 5th date, the parties can file a request with the Court and the Court will address it at that time." Hearing Rec. (4/7/2016) at 12:44 - 12:45 p.m.

On May 6, 2016, the Court issued an order to show cause why the parties failed to file their stipulation of dismissal on May 5, 2016. Docket No. 21. On May 9, 2016, the Court received the attached letter in chambers from the parties, dated May 5, 2016, stating that they attempted to call the undersigned's chambers to request a continuance of the date for the stipulation of dismissal. The parties further requested a continuance of the deadline to submit the stipulation of dismissal, until May 26, 2016.

....

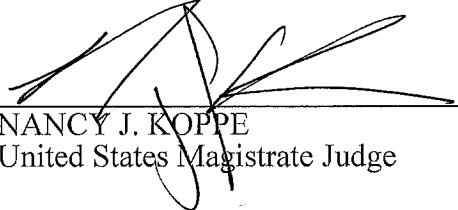
....

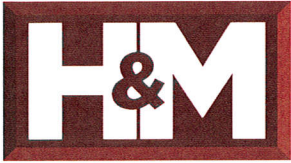
1 The Court never told the parties they could call chambers to request a continuance of the
2 deadline, as they state in their letter. The correct procedure for requesting a continuance of a
3 deadline, as the Court instructed the parties, is to file a request on the docket.

4 Nonetheless, as a one-time courtesy to the parties, the Court GRANTS the parties' request,
5 and continues the deadline for filing the stipulation of dismissal to May 26, 2016. The order to show
6 cause at Docket No. 21 is hereby DISCHARGED. If the parties wish to make any further requests,
7 they must do so in writing by filing their request on the docket. Failure to do so may result in
8 sanctions.

9 IT IS SO ORDERED.

10 DATED: May 9, 2016.

11
12 
13 NANCY J. KOPPE
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28



HEJMANOWSKI
& McCREA LLC
ATTORNEYS AT LAW

520 South Fourth Street
Suite 320
Las Vegas, NV 89101
hmlawlv.com

MALANI L. KOTCHKA
Manager/Member
MLK@HMLAWLV.COM
702.834.7445

May 5, 2016

Nancy J. Koppe
U.S. Magistrate Judge
United States District Court
333 Las Vegas Blvd. South
Room 3005
Las Vegas, NV 89101

Re: Moskowitz v. BearCom Group, Inc. et al.
Case No. 2:15-cv-02195-RFB-VCF

Dear Magistrate Koppe:

As you are aware, we represent the defendants in this case. We settled this case at the Early Neutral Evaluation conference held on April 7, 2016. I drafted the proposed settlement agreement and have sent it to Mr. Balaban who represents the plaintiff. Unfortunately, I did not give my own client enough time to review the proposed language and they want a few revisions. Therefore, we will be unable to file a stipulation of dismissal and proposed order today. We would like to receive an extension through May 26, 2016, within which to file the stipulation of dismissal and proposed order. Mr. Balaban agrees with this request. At the Early Neutral Evaluation conference, you told us to call and let you know if we had any problems with the dates and we do. Both Mr. Balaban and I called your chambers yesterday to request an extension. I am sorry to seek the extension and I take full responsibility for the status of the negotiations. Please extend our time for submitting the stipulation of dismissal and proposed order. ~~I do believe we have agreed on the majority of the written language.~~

Sincerely,

A handwritten signature in black ink that reads 'Malani L. Kotchka'.

Malani L. Kotchka

MLK:rg

cc: Michael Balaban (via e-mail - mbalaban@balaban-law.com)